PATENT Attorney Docket No.: A-66566-3/RFT/RMS/RMK

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

BLACKBURN, et al.

Serial No.: 09/440,371

Filed: November 12, 1999

For: BINDING ACCELERATION
TECHNIQUES FOR THE DETECTION
OF ANALYTES

DEXAMINET: Unknown.

Group Art Unit: 1643

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PETITIONS OFFICE

### CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this correspondence, including listed enclosures, is being FAX-transmitted to USPTO FAX No. (703) 308-6916 on

Skened Renee Kosspak

### PETITION UNDER 37 C.F.R. § 1.47(a) NO LONGER REQUIRED

Assistant Commissioner for Patents Washington, DC 20231

Sir:

This request is in response to the phone conversation with Edward Tannouse and Manuel Antonakas on August 29, 2000. Transmitted herewith is a copy of a signed Declaration and a copy of a signed Assignment of Stephen D. O'Connor. The original declaration is being forwarded by certificate of mailing. The original assignment has been sent under separate cover to be recorded.

nustment date: 10/12/2000 LGIBBS 715/2000 VVAN11 00000071 09440371 FC:122 -130.00 0P

In. Ref: 10/12/2000 LGIBBS 0013434600 :061300 Name/Number:09440371 704 \$130.00 CR

#### **REMARKS**

A Petition under 37 C.F.R. § 1.47(a) was submitted in the above case, as one of the inventors, Dr. Stephen D. O'Connor had refused to sign the declaration and assignment. Dr. O'Connor has now agreed to sign the formal documents; copies are enclosed. Accordingly, the Petition submitted under 37 C.F.R. §1.47(a) is no longer needed.

If either Mr. Tannoouse or Mr. Antonakas feels there are further unresolved issues, they are respectfully requested to phone the undersigned at (415) 781-1989.

The Commissioner is hereby authorized to charge any additional fees, including extension fees or other relief as may be required, or credit any overpayment to Deposit Account 06-1300 (Order No. A-66566-3/RFT/RMS/RMK).

Dated:	8/30	00
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Respectfully submitted,

FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP

Robin M. Silva Reg. No. 38,304

Four Embarcadero Center - Suite 3400 San Francisco, California 94111-4187

Tel.: (415) 781-1989 Fax: (415) 398-3249

128504

WHEREAS, the undersigned,

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### ASSIGNMENT

# PETITIONS OFFICE

(1)GARY BLACKBURN	(2) STEPHEN F CREACED
(3) <u>SCOTT FRASER</u>	TON E. CREAGER
(5) THOMAS J. MEADE	(6) (7)
(7) ROBERT H. TERBRUGGEN	THE TANK OF CONNOR
(9) THOMAS I. WEI.CH	. (8) JOST G, VIELMETTER
(hereinafter termed "Inventors"), residents  (1) Glendora  (3) La Canada  (5) Altadena  (7) Manhattan Beach  (9) Pasadena  respectively, Counties of	(2) <u>Central</u> (4) <u>Glendora</u> (6) <u>Pasadena</u> (8) Paral
(3) Los Angeles (5) Los Angeles (7) I.os Angeles	(6) Los Angeles
respectively, States of	
(1) California	, (2) South Carolina
(3) California	(A) Cation :
(5) California	(6) 0.100
(7) <u>California</u> (9) <u>Californi</u>	, (8) <u>California</u>
respectively, have invented certain new and use  BINDING ACCELERATION TEC  and have executed an application for a United St  09/440,371 and filing date of November	eful improvements in  CHNIQUES FOR THE DETECTION OF ANALYTES  tates patent disclosing and identifying the invention having Serial No.  er 12, 1999; and
101 Waverly Drive, Pasadena State of Cal	corporation of the State of <u>Delaware</u> , having a place of business at <u>lifornia</u> , (hereinafter termed "Assignee"), is desirous of acquiring
FHTAM FORM 1.20 [560868] 12/91 (JOINT TO CORPORATE)	Page 1 of 3 (A-66566-3/RFT/RMS)

the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered jointly or severally by said Inventors (all collectively hereinafter termed "said invention"), and in and to any and all patents, inventor's certificates and other forms of protection (hereinafter termed "patents") thereon granted in the United States and foreign countries.

NOW, THEREFORE, in consideration of good and valuable consideration acknowledged by said Inventors to have been received in full from said Assignce:

- 1. Said Inventors do hereby sell, assign, transfer and convey unto said Assignee, the entire right, title and interest (a) in and to said application and said invention; (b) in and to all rights to apply for foreign patents on said invention pursuant to the International Convention for the Protection of Industrial Property or otherwise; (c) in and to any and all applications filed and any and all patents granted on said invention in the United States or any foreign country, including each and every application filed and each and every patent granted on any application which is a division, substitution, or continuation of any of said applications; and (d) in and to each and every reissue or extensions of any of said patents.
- 2. Said Inventors hereby jointly and severally covenant and agree to cooperate with said Assignee to enable said Assignee to enjoy to the fullest extent the right title and interest herein conveyed in the United States and foreign countries. Such cooperation by said Inventors shall include prompt production of pertinent facts and documents, giving of testimony, execution of petitions, oaths, specifications, declarations or other papers, and other assistance all to the extent deemed necessary or desirable by said Assignee (a) for perfecting in said Assignee the right, title and interest herein conveyed; (b) for prosecuting any of said applications; (c) for filing and prosecuting substitute, divisional, continuing or additional applications covering said invention; (d) for filing and prosecuting applications for reissuance of any said patents; (e) for interference or other priority proceedings involving said invention; and (f) for legal proceedings involving said invention and any applications therefor and any patents granted thereon, including without limitation opposition proceedings, cancellation proceedings, priority contests, public use proceedings, infringement actions and court actions; provided, however, that the expense incurred by said Inventors in providing such cooperation shall be paid for by said Assignee.
- 3. The terms and covenants of this assignment shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives, and shall be binding upon said Inventors, their respective heirs, legal representatives and assigns.
- Said Inventors hereby jointly and severally warrant and represent that they have not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

(Scal)

IN WITNESS WHEREOF, the said Inventors have executed and delivered this instrument to said Assignee as follows: Date: Gary Blackburn County of State of in the year 1999, before me, \_, Notary Public of the State of <u>California</u>, personally appeared (1) \_\_\_\_\_, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same in his/her authorized capacity(ies), and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument. WITNESS my hand and official seal. Signature (Seal) County of State of On this \_\_\_ day of \_\_\_ \_\_, in the year 1999 , before me, \_\_\_ \_, Notary Public of the State \_\_\_\_, personally appeared (2) \_\_\_\_\_, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same in his/her authorized capacity(ies), and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument. WITNESS my hand and official seal.

Signature

30. 2000 10:56AM	FLEHR HOHBACH TEST		(A)	NO. 0988	-P. 7
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	(7)	Scott Fraser			
County of State of		,) ,)ss.			
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(Seal)

AUG 30. 2000 10:56AM

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Signature		(Scal)
Date: 7-25-80	(6) Stephen D. O'Con	unor
County of los Angeles State of Culifornia	,) ,)\$5.	
On this 6 day of July, in of California, personal of satisfactory evidence) to be the personal	) -bbonco (c)	Ca Smith Notary Public of the State
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Signature / Month	milk	(Seal)

JESSICA SMITH
Commission # 1214592
Notary Public - California
Las Angeles County
My Comm. Spires Acr 22, 2003

Date:	<del></del> (7)	
	Robert H. Terbrueggen	_
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FLEHR HOHBACH TEST

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Signature

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(A-66566-3/RFT/RMS)

#### DECLARATION FOR PATENT APPLICATION

FAX RECEIVED AUG 3 0 2000

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled <a href="BINDING ACCELERATION TECHNIQUES FOR THE DETECTION OF ANALYTES">BINDING ACCELERATION TECHNIQUES FOR THE DETECTION OF ANALYTES</a>, the specification of which

(check		is attached hereto.
· ·	X	Application Serial No. 09/440,371 and was amended on  (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any emendment referred to above.

I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)		Priority Claimed		
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
(Number) (Country)				
	(Day/Month/Year filed)	Yes	No	
(Mumber)	(Country)	(Day/Month/Year Filed)	Yes	No

I hereby claim the benefit under Title 35, United States Code, §§119/120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

09/134,058 (Application Serial No.)	August 14, 1998 (Filing Date)	Pending (Status) (patented, pending, abandoned)
60/090,389 (Application Serial No.)	June 23, 1998 (Filing Date)	Abandoned (Status) (patented, pending, abandoned)

FLEHR HOHBACH TEST

Direct all telephone calls to \_ at (415) 781-1989. ROBIN N. SILVA

Address all correspondence to:

FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP Suite 3400, Four Embarcadero Center San Francisco, California 94111

#### File No. \_A-66566-3/RFT/RMS

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, \$1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor:	Gary Blackburn
Inventor's signature:	
Date:	
Residence:	Glendora, California
Citizenship:	United States of Americs
Post Office Address:	261 N. Lone Hill Avenue
	Glendora, California 91741
Full name of second inventor:	Stephen E. Creager
Inventor's signature:	
Date:	
Residence:	Central, South Carolina
Citizenship:	United States of America
Post Office Address:	357 Cross Freek Road
	Central, South Carolina 29630
Full name of third inventor:	Scott Fraser
Inventor's signature:	
Date:	
Residence:	La Canada, California
Citizenship:	United States of America
Post Office Address:	503 partmouth Place
	Le Canada, California 91011

DECLARATION FOR PATENT APPLICATION Page 2

Full nums of fourth	•
fryontor:	Bruce D. Iryine
ir vontorts signature:	
3480:	
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Elistatinship-	United States of America
Post Office Address:	430 Vista Bonita Avenue
	Glendora, California 91741
Pail name of fifth inventor:	Thomas J. Neade
inventable signature:	
Date:	
Re.n dances	Altadena, Celifornia
Citizenship:	United States of America
Pust Office Address:	1656 New York Drive
	Altadena, California 91001
mult Desce of Ainth inventor.	Stephen D. Q'Connor
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day of	7-25-00
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ther office adoress:	4222 S. El Molino, #16
	Pasadena, Culifornia 91101
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DECLARATION FOR PATENT APPLICATION Page 3

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Pos 39 ico Address:	69 South Greenwood Avenue		-
	Pasadena, California 91107		-
full name of third inventor:	Thomas W. Welch		_
Inventor's signature:			
Date:			,
Residence-	Pasadena, California		
Citizonahipu	United States of America		
Post Office Address:	677 S. Marengo Avenui, Apt. 6		
	Pasadena, California 91106		

DECLARATION FOR PATENT APPLICATION Page 4